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SIXTIETH LEGISLATURE

NINETY-SECOND LEGISLATIVE DAY
MONDAY, APRIL 13, 2009

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Taleesha Willie, Page.

Approval of Journal

April 13, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

April 10, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1096](#), [S 1129](#), [S 1151](#), [S 1170](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), and [SJR 101](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1096](#), [S 1129](#), [S 1151](#), [S 1170](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), and [SJR 101](#) and, when so signed, ordered them returned to the Senate.

April 10, 2009

Mr. Speaker:

I return herewith enrolled [HJM 4](#), [HCR 23](#), [H 255](#), [H 170](#), and [H 220](#) which have been signed by the President.

WOOD, Secretary

Enrolled [HJM 4](#) and [HCR 23](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled [H 255](#), [H 170](#), and [H 220](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 10, 2009

Mr. Speaker:

I transmit herewith [S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#) which have passed the Senate.

WOOD, Secretary

[S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#) were filed for first reading.

Report of Standing Committees

April 10, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 306](#) and recommend that it do pass.

BLOCK, Chairman

[H 306](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 311 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF TITLE XII AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING A SALARY REDUCTION; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 312 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE LONGITUDINAL DATA SYSTEM; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL

COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[H 311](#) and [H 312](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 308](#), [H 309](#), and [H 310](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 303](#), by Ways and Means Committee, was read the second time by title and filed for third reading.

[S 1148](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1187](#), [S 1188](#), [S 1189](#), [S 1190](#), and [S 1191](#), by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 232](#), as amended in the Senate, retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[H 299](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 299](#). There being no objection it was so ordered.

The question being, "Shall [H 299](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Jaquet, Killen, King, Kren, Lake, Luker, Marriott, Mathews, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Barrett, Clark, Durst, Hagedorn, Hart, Harwood, Higgins, Jarvis, Labrador, Loertscher, McGeachin, Moyle, Nielsen, Palmer, Simpson, Smith(24). Total – 16.

Total – 70.

Whereupon the Speaker declared that [H 299](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 287](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

Pursuant to Rule 38(3), Mrs. Pasley-Stuart disclosed a conflict of interest regarding [H 287](#).

The question being, "Shall [H 287](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, Kren, Lake, Loertscher, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 50.

NAYS – Boe, Burgoyne, Chavez, Chew, Clark, Cronin, Durst, Jaquet, Killen, King, Labrador, Luker, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Smith(30). Total – 19.

Absent and excused – Schaefer. Total – 1.

Paired Votes:

AYE – Crane

NAY – Labrador

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 287](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 194](#), as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 194](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chavez, Clark, Collins, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Labrador, Loertscher, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Burgoyne, Chew, Higgins, Killen, King, Lake, Marriott, Ringo, Smith(24). Total – 9.

Absent and excused – Boe, Crane, Kren, Schaefer. Total – 4.

Total – 70.

Whereupon the Speaker declared [H 194](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

[S 1054](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [S 1054](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Crane. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1054](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[SJM 102](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [SJM 102](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jarvis, Kren, Labrador, Lake, Loertscher, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd(08), Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 49.

NAYS – Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Shepherd(02), Smith(30), Trail. Total – 19.

Absent and excused – Crane, Luker. Total – 2.

Total – 70.

Whereupon the Speaker declared [SJM 102](#) adopted and ordered the memorial returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bill on the Third Reading Calendar retain its place for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Tuesday, April 14, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 10:52 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk